



MEYERTONS
HOOD
KIVLIN
KOWERT
& GOETZEL

A PROFESSIONAL CORPORATION

PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

RECEIVED
CENTRAL FAX CENTER

JAN 29 2008

700 LAVACA, SUITE 800
AUSTIN, TEXAS 78701
TELEPHONE (512) 853-8800
FACSIMILE (512) 853-8801

FAX

To: Examiner Arezoo Sherkat

From: Dean M. Munyon

Fax: (571) 273-8300

Pages: 3

Phone: (571) 272-3796

Date: January 29, 2008

Re: Agenda for Telephone Conference
Application Number 10/647,644
(January 30, 2008)

Phone: (512) 853-8847

THIS FACSIMILE TRANSMITTAL AND THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL CONTAIN CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT YOU ARE NOTIFIED THAT THIS COMMUNICATION MAY BE SUBJECT TO THE ATTORNEY-CLIENT OR WORK-PRODUCT PRIVILEGE AND THAT THE DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT) TO ARRANGE FOR RETURN OF THE DOCUMENTS. RECEIPT BY ANYONE OTHER THAN THE INTENDED RECIPIENT IS NOT A WAIVER OF ANY ATTORNEY-CLIENT OR WORK-PRODUCT PRIVILEGE.

RECEIVED
CENTRAL FAX CENTER

JAN 29 2008

PTOL-413A (10-07)
 Approved for use through 10/31/2007. OMB 0651-0031
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/647,644 First Named Applicant: MARK E. OBRECHT
 Examiner: AREZOO SHERKAT Art Unit: 2131 Status of Application: PENDING

Tentative Participants:

(1) DEAN M. MUNYON (2) _____
 (3) _____ (4) _____

Proposed Date of Interview: 1/30/2008 Proposed Time: 2:00 (AM/PM) (PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

SEE ATTACHED

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Dean M. Munyon
 Applicant/Applicant's Representative Signature

 Examiner/SPE Signature

DEAN M. MUNYON
 Typed/Printed Name of Applicant or Representative

42,914
 Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application Number 10/647,644

The Examiner states in the pending Office Action that "Kouznetsov does not explicitly disclose a weigh[t]ing function that scores/determines the monitored events/code under investigation as valid/non-malicious code." The Examiner appears to rely on Chess and Hill to remedy this deficiency. See Office Action at 3-4.

Applicant disagrees that either Chess or Hill includes the teachings cited by the Examiner. Applicant would like to discuss each of these references in turn during the telephonic interview of 1/30/08.

Chess: The Examiner cites this reference as teaching the "applying" and "weighting" limitations of, for example, claim 105. See Office Action at 3 (citing col. 5, lines 55-67 and col. 6, lines 1-29 of Chess). The "suspect files" of Chess, however, are not the claimed "code under investigation" as nowhere does Chess suggest that the "suspect file" is an "active program." Chess is not even concerned with "active programs" as in claim 105 (for example); instead, Chess is concerned with "efficiently managing the transmission of units of digital data from node to node." See Chess (Abstract). Also, Applicant notes that the cited portion of Chess does not appear to teach or suggest "weighting" as in claim 105.

Hill: The Examiner appears to be using this reference to teach the following limitation of claim 105: "using the first and second scores to categorize the code under investigation with respect to the likelihood of the code under investigation compromising the security of the computer system." Applicant submits that Hill is concerned solely with "attacks." See Hill (Abstract, Title). While Hill may teach "categorizing" "attack severity," Hill at 6:17; this reference has no teaching corresponding to the "first score" of claim 105. Hill also does not appear to teach the "second score" of that claim—as Hill does not appear to teach "weighting."

The above arguments are merely representative of the deficiencies of the cited references and are not exhaustive.